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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Annual Assessment of the Status of	)	CS Docket No. 97-141
Competition in Markets for the	)	
Delivery of Video Programming	)	

Comment Date: **July 23, 1997**

COMMENTS OF KALEIDOSCOPE TELEVISION

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I. INTRODUCTION

KALEIDOSCOPE Television (KTV) is a national television network that transmits health, wellness, and ability programming via satellite 24 hours a day, 7 days a week and is targeted to people with major health concerns and disabilities. All programming, advertisements, infomercials, public service announcements, promos, billboards, bumpers, wraparounds and other related interstitial material are 100% accessible to the Deaf and hard of hearing community through the use of open captions without the need for a caption decoder. KALEIDOSCOPE is currently seen in 15 million households nationally and internationally.

In addition to the use of 100% open captions, KALEIDOSCOPE's material is also accessible to people who are blind and visually impaired through the use of video description and universally designed audio tracks. KALEIDOSCOPE's video description is made easily available without the need for equipment utilizing SAP technology which as a result reaches a larger number of viewers who do not have access to this type of equipment. In addition to KALEIDOSCOPE's blind and visually impaired viewers, video description also benefits viewers with cognitive impairments and learning disabilities. Along with video description, a high percentage of KALEIDOSCOPE's programming audio is accessible due to its heavy news and information-based content.

KALEIDOSCOPE was founded on the same day President George Bush signed the Americans With Disabilities Act (ADA) of 1990 and since that time, KALEIDOSCOPE has been on the forefront in providing accessible broadcast and cable television programming for the nation's 49,000,000 people with disabilities, their families, and people who work with them.

II. CURRENT IMPLEMENTATION OF VIDEO DESCRIPTION

KALEIDOSCOPE programming audio utilizes two methods for handling accessibility for people who are blind and visually impaired. One is video description in which action and non-audible visual information is described by a narrator during a program's natural pauses. Selected KALEIDOSCOPE programming that is ideal for video description include its weekly classic feature films and informative series targeted to the blind and visually impaired community such as THE WAY I SEE IT. Due to KALEIDOSCOPE's news and information approach in programming with the use of on-going dialogue, a high percentage is fully accessible. There are, however, some KALEIDOSCOPE series that have been found inappropriate for video description which include sports, exercise, and sign language instruction programs. The nature of these shows have on-going constant action which would be cumbersome for video description efforts.

The other method is universally designed audio in which on-camera information is voiced by a narrator. "Universal design" is a concept where people with disabilities are kept in consideration at the product design or manufacturing stage. A common example of universal design are curb cuts found on sidewalks. These were originally invented for wheelchair users which later turned out to be beneficial for the remainder of the population such as people who ride bikes or users of baby strollers. In the case of KALEIDOSCOPE programming, the material is produced with blind and visually impaired viewers in mind. For example, when KALEIDOSCOPE produces billboards or interstitials, care is given to ensure that the on-screen information is voiced to meet the accessibility requirements set forth by the network.

This universal design concept is also extended to Deaf and hard of hearing viewers whereas the bottom portion of the video is left open for later insertion of open captions. To illustrate, character generated lowlines of names are placed on other parts of the screen as to prevent being covered up by the open captions.

If in the event an emergency warning crawl is necessitated, it would be presented as a news bulletin transmitted separately from the program itself in order to allow for both visual and audible presentation of the emergency message. The current standard for other networks is that emergency crawls are superimposed onto the program with no audible accompaniment to benefit the viewers who are blind and visually impaired. If mandatory rules were to be implemented in regards to video description, the above mentioned universally designed method should be adopted for the safety of people who are blind and visually impaired.

Overall, KALEIDOSCOPE programming and interstitial/commercial break material is currently 88% fully accessible and 12% partially accessible to viewers who are blind and visually impaired and the numbers are expected to increase with time.

COSTS OF VIDEO DESCRIPTION

Because KALEIDOSCOPE's programming is 75% original, much of the production is done with its in-house equipment and salaried staff. KALEIDOSCOPE's video description and universally designed audio work is performed as part of the normal production process. The only costs related to video description are staff and equipment time and outside contractors are only used when workload requirements exceed available in-house resources. When such contractors are used, it is usually for writers for the narration while the actual on-line work is

performed in-house. The costs given in the FCC's *Video Accessibility Report*[1] to Congress are overstated due to the use of quoted outside contractor rate cards with no insight given for the use of in-house network resources for cost comparisons.

When KALEIDOSCOPE prepares their production budgets, video description is not treated as a separate line item, but rather, calculated in the overall writing and editing figures which do not amount to be much more than a program without video description.

TECHNOLOGY AND METHODS FOR VIDEO DESCRIPTION

To maximize the reach of viewers who are blind or visually impaired, KALEIDOSCOPE uses "open" video description without the need for SAP technology. This is in the same principle as providing programming with open captions without the need for a caption decoder. By not relying on SAP or VBI technology, more viewers would be able to experience the benefits of video description and open captions, especially those with low incomes who may not be able to afford these types of technologies. Furthermore, according to the *Video Accessibility Report*[2], only 52% of televisions and 20% of VCRs are equipped with SAP technology. Additionally, according to WGBH's Descriptive Video Service (DVS)[3], their home videocassettes of described movies are only available with open video descriptions due to the limitations of the videotape technology used. Furthermore, such recorded videotape formats include those that are limited to only 2 channels of audio (i.e. ¾" U-Matic, VHS, DVCPro). This may pose to be a problem for some broadcasters or cable systems that time

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[1] *VIDEO ACCESSIBILITY REPORT*, 11 FCC Rcd at ¶106.
[2] Ibid at ¶101.
[3] *WHO's WATCHING: A PROFILE OF THE BLIND AND VISUALLY IMPAIRED AUDIENCE FOR TELEVISION AND VIDEO,* American Foundation for the Blind, New York, 1997.

delay their programming on tapes using only 2 channels of audio recorded off of satellite, thus requiring the need for videotape formats utilizing more than 2 channels of audio (i.e. SVHS, ¾" U-Matic SP, Betacam SP, D2, etc.). Open video description also eliminates the need for stations to purchase additional modulators and rewiring their transmission systems as well as the purchase of SAP televisions, SAP VCRs, or SAP television adapters at the consumer level.

For the video description post production process, KALEIDOSCOPE utilizes either linear analog or digital non-linear technologies to perform these services, although the digital non-linear route is preferable by KALEIDOSCOPE's editors.

For a 30-minute show, the offline writing process takes approximately two to five hours for a program with minimal natural pauses and about one day for programs with heavy action and minimal dialogue. This offline process involves the writer watching the program with a videotape deck and writing the narration pieces along with the duration requirements for each section. This script is then taken to the audio suite for recording the voice onto tape (of which time is already accounted into the total off-line time).

Once the narration has been put on tape, the on-line process begins. For linear analog editing, a work tape of the original program master is made, dubbing all the program audio onto channel one, thus leaving channel two open for insertion of the narration sections. After the narration has been inserted, the audio on the work tape is then mixed through a compresser/limiter (with gate) to automatically balance the levels. It is recorded either back to the original program master (to eliminate generational loss on the video portion) or onto a submaster (adding one more generation on the video portion). In either route, the audio is second generation quality.

For digital non-linear editing, there is more precision in the insertion and mixing and does not have the hiss or generational loss that linear analog editing produces. The program video, audio, and narration are digitized into the non-linear editor. The particular editing system that KALEIDOSCOPE uses has eight channels of audio. Two channels are used for the original program audio, two channels for the narration, and two extra channels to allow for flexibility in the editing process. This flexibility may be needed if there are tight edits of narration to be made. Additionally, the time compression or expansion features of digital audio workstations are beneficial to adjust the durations of narration tracks when inserting them in the program's natural pauses, especially if the recorded narration is too long or too short to fit in the pause section. Once the audio editing has been completed, all six audio tracks are mixed to two channel monaural audio and transferred back to the program edit master in the form of an audio edit to eliminate video generational loss. This method results in pure digital audio with precise placement of the narration and does not have the hiss typically found in analog audio.

For the on-line time that is spent on video description editing, it is very minimal. For instance, whether a program itself has an editing ratio of 4:1, 12:1, 20:1, or even 40:1, the video description portion only takes about two hours for a thirty minute show. So, if a show has an edit ratio of 4:1, adding video description would change the ratio to 6:1, increasing it by only two hours.

For both off-line and on-line work of video description, the total number of hours can range anywhere from 4 hours (2 hours off-line, 2 hours on-line) up to 12 hours (10 hours off-line, 2 hours on-line) for a 30 minute show. Comparing to the extent of work that is

involved with the production and post-production process of a show, the video description tasks amount to be a very small part of the overall process.

V. LEGAL AND POLICY ISSUES

When KALEIDOSCOPE adds video description or universally designed audio to programming, the material is either produced directly by KALEIDOSCOPE, licensed by outside producers/production companies, or is in the public domain. Since it is a standard operating procedure at KALEIDOSCOPE that all programming be made fully accessible, license agreements with outside producers/production companies include clauses that allow KALEIDOSCOPE to edit accordingly to meet these accessibility requirements.

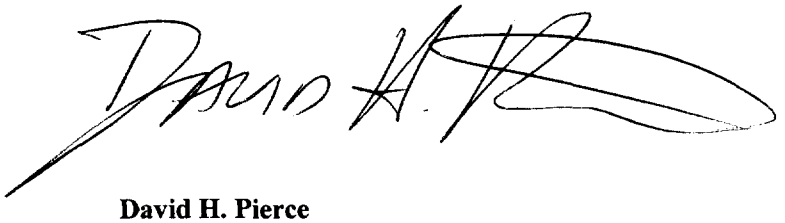
If mandatory video description requirements were developed, it is recommended that this responsibility be placed on the program's producer/production company rather than the video service provider as it would eliminate the logistical and legal problems forseen by such a mandate, especially in the area of derivative works. However, if it turns out that the video service provider has been unable to contact the original program producer/production company, petition for exemption could be granted. Such petition would include documented, notarized records to show that several attempts to contact the producer/production company have been made to no avail. Furthermore, to reduce the administrative burden of the FCC, older programs prior to such ruling date would be grandfathered and left up to the producers or video service providers to add the video description or universally designed audio voluntarily in order to maximize the accessibility of such programming. New programs, after such ruling date, would need to keep video description and universally designed audio in consideration when negotiating licensing agreements as KALEIDOSCOPE has done with their

own programming.

VI. CONCLUSION

Video description is a relatively new technique for accessibility. As with anything new, along with it comes the typical misconceptions, perceptions, and lack of understanding which results in the fear of complexities and unprecedented costs. Once experienced and trained, new technologies or techniques become standard and a way of life, just like learning how to ride a bicycle. This is the case with video description and universally designed audio. Universally designed audio is more broad than video description as it is merely the consciousness of the needs of the blind and visually impaired community when producing video material. One must think, "Have I written this script correctly in such a way that a blind person would understand the audio without the need for the visual?" Furthermore, a sportscaster may elect to say, "Miami's number 47 has stopped Buffalo's number 36 with a leg grab on the ten-yard line with calculated ease" rather than saying the simplistic, non-descriptive "Wow, did you see that?" While efforts will continue to be made in providing video description, whether using SAP, new digital technologies or simple hard audio mixing, effort should also be made for the provision of universally designed audio in the production process for wider accessibility beyond video description. It is rather more simple than one would think if perceptions are put in the right perspective.

Respectfully submitted,



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